

(5) Hearings will be conducted in an informal manner with the objective of providing the applicant with a full opportunity to present evidence and arguments in support of the application. Evidence may be presented through means of such witnesses, exhibits, and visual aids as are arranged for by the applicant. While proceedings will be *ex parte*, members of the Board and its counsel may address questions to witnesses called by the applicant, and the Board may, at its option, utilize the assistance and testimony of technical advisors or other experts.

(6) Subject to the provisions of § 1240.104(c)(2), the applicant will submit a copy of any exhibit or visual aid utilized unless otherwise directed by the Board. The Board may, at its discretion, arrange for a written transcript of the proceedings and a copy of such transcript will be made available by the recorder for purchase by the applicant.

(7) No funds are available to defray traveling expenses or any other cost incurred by the applicant.

**§ 1240.110 Recommendation to, and action by, the Administrator.**

(a) Upon a determination by the Board that a contribution merits an award, the Board will recommend to the Administrator or a designee the terms and conditions of the proposed award, including a specific amount and distribution thereof for any multiple contributors. The recommendation of the Board to the Administrator or designee will reflect the views of the majority of the Board members. Dissenting views may be transmitted with the majority opinion.

(b) The granting, denying or modification of any Board recommended award under this subpart will be at the sole discretion of the Administrator or his designee, who will determine the final terms and conditions of each award after consideration of the criteria in § 1240.103.

(c) In addition, the Board may recommend, and the Administrator or his designee may grant, non-monetary awards under other applicable laws and regulations.

[67 FR 31120, May 9, 2002, as amended at 77 FR 27367, May 10, 2012]

**§ 1240.111 Release**

Under subsection 20136(c) of the National Aeronautics and Space Act, no award will be made to an applicant unless the applicant submits a duly executed release, in a form specified by the Administrator, of all claims the applicant may have to receive any compensation (other than the award recommended) from the United States Government for use of the contribution or any element thereof at any time by or on behalf of the United States, or by or on behalf of any foreign government pursuant to any existing or future treaty or agreement with the United States, within the United States, or at any other place.

[77 FR 27367, May 10, 2012]

**§ 1240.112 Presentation of awards.**

(a) Written acknowledgments to employees of NASA receiving awards will be provided by the appropriate Official-in-Charge at the Headquarters Office, by the Director of the cognizant NASA Center, or by a designee.

(b) Written acknowledgments to employees of NASA contractors receiving awards will be forwarded to contractor officials for suitable presentation.

(c) Monetary awards will be paid by check or electronic funds transfer.

[77 FR 27367, May 10, 2012]

**§ 1240.113 Financial accounting.**

NASA shall provide for appropriate database and accounting system(s) to ensure that award payments are recorded and disbursed in an orderly fashion and in the proper amounts to proper awardees.

[77 FR 27367, May 10, 2012]

**§ 1240.114 Delegation of authority.**

(a) The Chairperson, Inventions and Contributions Board, is delegated authority to approve and execute grants of awards for significant scientific or technical contributions not exceeding \$2,000 per contributor, when in accordance with the recommendation of the Board and in conformity with applicable law and regulations.

(b) The Chairperson, Inventions and Contributions Board, is delegated authority to approve and execute grants

**Pt. 1245**

of awards not exceeding \$2,000 per awardee, upon the notification that:

(1) A Patent Application Award has been recommended by the Board pursuant to §1240.105(a);

(2) A Software Release Award has been recommended by the Board pursuant to §1240.105(b); or

(3) A Tech Briefs Award has been recommended by the Board pursuant to §1240.105(c).

[77 FR 27367, May 10, 2012]

**PART 1241 [RESERVED]**

**PART 1245—PATENTS AND OTHER  
INTELLECTUAL PROPERTY RIGHTS**

**Subpart 1—Patent Waiver Regulations**

Sec.

- 1245.100 Scope.
- 1245.101 Applicability.
- 1245.102 Definitions and terms.
- 1245.103 Policy.
- 1245.104 Advance waivers.
- 1245.105 Waiver after reporting inventions.
- 1245.106 Waiver of foreign rights.
- 1245.107 Reservations.
- 1245.108 License to contractor.
- 1245.109 Assignment of title to NASA.
- 1245.110 Content of petitions.
- 1245.111 Submission of petitions.
- 1245.112 Notice of proposed Board action and reconsideration.
- 1245.113 Hearing procedure.
- 1245.114 Findings and recommendations of the Board.
- 1245.115 Action by the Administrator.
- 1245.116 Miscellaneous provisions.
- 1245.117 March-in and waiver revocation procedures.
- 1245.118 Record of decisions.

**Subpart 2—Claims for Patent and  
Copyright Infringement**

- 1245.200 Purpose.
- 1245.201 Objectives.
- 1245.202 Contents of communication initiating claim.
- 1245.203 Incomplete notice of infringement.
- 1245.204 Indirect notice of infringement.
- 1245.205 Processing of administrative claims.

**Subpart 3—NASA Foreign Patent Program**

- 1245.300 Scope of subpart.
- 1245.301 Inventions under NASA contracts.
- 1245.302 Inventions by NASA employees.
- 1245.303 Criteria.
- 1245.304 Procedures.

**14 CFR Ch. V (1–1–14 Edition)**

**Subparts 4–5 [Reserved]**

**Subpart 1—Patent Waiver  
Regulations**

**AUTHORITY:** 42 U.S.C. 2457, 35 U.S.C. 200 *et seq.*

**SOURCE:** 52 FR 43748, Nov. 16, 1987, unless otherwise noted.

**§ 1245.100 Scope.**

This subpart prescribes regulations for the waiver of rights of the Government of the United States to inventions made under NASA contract in conformity with section 305 of the National Aeronautics and Space Act of 1958, as amended (42 U.S.C. 2457).

**§ 1245.101 Applicability.**

The provisions of the subpart apply to all inventions made or which may be made under conditions enabling the Administrator to determine that the rights therein reside in the Government of the United States under section 305(a) of the National Aeronautics and Space Act of 1958, as amended, 42 U.S.C. 2457(a). The provisions do not apply to inventions made under any contract, grant, or cooperative agreement with a nonprofit organization or small business firm that are afforded the disposition of rights as provided in 35 U.S.C. 200–204 (Pub. L. 96–517, 94 Stat. 3019, 3020, 3022 and 3023; and Pub. L. 98–620, 98 Stat. 3364–3367).

**§ 1245.102 Definitions and terms.**

As used in this subpart:

(a) *Contract* means any actual or proposed contract, agreement, understanding, or other arrangement with the National Aeronautics and Space Administration (NASA) or another Government agency on NASA's behalf, including any assignment, substitution of parties, or subcontract executed or entered into thereunder, and including NASA grants awarded under the authority of 42 U.S.C. 1891–1893.

(b) *Contractor* means the party who has undertaken to perform work under a contract or subcontract.

(c) *Invention* includes any art, method, process, machine, manufacture, design, or composition or matter, or any new and useful improvement thereof,